

Criminal Misc. M- No. 22950 of 2017 (O&M)

Date of decision : July 25, 2017

Anil Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rao Ajender Singh,
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

CRM No. 22913 of 2017

Application is for placing on record the statements of PW3 and PW4 as Annexures P-2 and P-3. The same are taken on record subject to just exceptions. Filing of certified/true typed copies thereof is exempted.

Application is disposed of.

Criminal Misc. M- No. 22950 of 2017

The petitioner prays for bail pending trial in FIR No. 402 dated 10.09.2016 registered under Sections 363, 366A, 506 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 at Police Station Mahendergarh, District Mahendergarh.

It is submitted that the petitioner has been falsely implicated in this case. In fact, the alleged victim (PW3) in this case has not supported the prosecution case while appearing before the learned trial Court. Copy of her statement is attached as Annexure P-3. Furthermore, the victim's father PW4

as well as one of the uncle of the victim have not supported the prosecution version. The said witnesses have refused to identify the petitioner as an accused in this case. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions, from HC Amit Kumar verifies that the victim, her father and her uncle have not supported the prosecution version. They have refused to identify the petitioner as an accused in this case. It is verified that the petitioner is not involved in any other criminal case. Trial, in this case, is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

July 25, 2017

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No